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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/414,590      | 10/08/1999  | K. Scott Ramey       | 03384.0374          | 3561             |

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| EXAMINER |
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CALDWELL, ANDREW T

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| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 01/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/414,590

Applicant(s)

RAMEY ET AL.

Examiner

Andrew Caldwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 67-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 67-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

**Remarks**

Claims 67-86 are pending.

**Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a telephony device wrapper program sending data to a legacy telephony device in a *call server system data format* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. **The objection to the drawings will not be held in abeyance.**

**Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not describe a telephony device wrapper program sending data to a legacy telephony device in a *call server system data format*.

**Claim Rejections - 35 USC § 112**

Claims 67-85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

1 which was not described in the specification in such a way as to reasonably convey to  
2 one skilled in the relevant art that the inventor(s), at the time the application was filed,  
3 had possession of the claimed invention. Independent claims 67, 76, and 85 require the  
4 telephony device wrapper program to send data to a legacy telephony device in a *call*  
5 *server system data format*. Although the specification and originally filed claims may  
6 describe the sending of data to a legacy telephony device in a *telephony device data*  
7 *format*, they do not describe the sending of data to the legacy telephony device in a *call*  
8 *server system data format*.

10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 (a) A patent may not be obtained though the invention is not identically disclosed or described as set  
14 forth in section 102 of this title, if the differences between the subject matter sought to be patented and  
15 the prior art are such that the subject matter as a whole would have been obvious at the time the  
16 invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
17 Patentability shall not be negated by the manner in which the invention was made.

18  
19 This application currently names joint inventors. In considering patentability of  
20 the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of  
21 the various claims was commonly owned at the time any inventions covered therein  
22 were made absent any evidence to the contrary. Applicant is advised of the obligation  
23 under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was  
24 not commonly owned at the time a later invention was made in order for the examiner to  
25 consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)  
26 prior art under 35 U.S.C. 103(a).

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2           Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood,  
3 U.S. Patent No. 6,091,808, in view of the Java Telephony API: An Overview, version  
4 1.1, pp. 1-41, January 28, 1997, hereinafter the "Java Telephony API."

5

6           Regarding claim 86, Wood teaches the invention substantially as claimed by  
7 disclosing a system comprising:

8                   A web application for independently controlling a legacy call server  
9 coupled to the telephone system (Fig. 1 elem. 22 web facility as web application;  
10 Fig. 1 elem. 16 as legacy call server);

11                   A call server wrapper having a first web application program interface and  
12 a call server system interface for enabling the web application to communicate  
13 with the legacy call server (Fig. 1 elem. 38 CGI scripts controlling call control  
14 system as call server wrapper).

15           Wood does not explicitly teach using the web application to control the legacy  
16 telephone and a telephony device wrapper having a second web application program  
17 interface and a telephony device interface for enabling the web application to  
18 communicate with the legacy telephony device.

19           The Java Telephony API on the other hand teaches using the web application to  
20 control a legacy telephone and a telephony device wrapper having a second web  
21 application program interface and a telephony device interface for enabling the web  
22 application to communicate with the legacy telephony device (p. 1 implementation of

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JTAPI on top of proprietary hardware; p. 8 terminal object; p. 25 java.telephony.phone package; pp. 27-41 showing various functions of the phone controlled by the java.telephony.phone API).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Java Telephony API's teachings regarding the control of a telephone terminal with the system of Wood based on Wood's explicit suggestion to use the Java Telephony Toolkit (col. 4 lines 22-26).

### **Conclusion**

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell  
703-306-3036  
January 12, 2004